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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

NORTHERN DYNASTY MINERALS
LTD. and PEBBLE LIMITED
PARTNERSHIP,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Defendant.

CASE NO. 3:24-cv-00059-SLG

**DECLARATION OF ROBERT
HEYANO IN SUPPORT OF
MOTION TO INTERVENE BY
UNITED TRIBES OF BRISTOL
BAY**

I, Robert Heyano, state and declare as follows:

1. I am an enrolled tribal member of the Ekuk Village Council where I also serve as Tribal Council President. I have lived in Bristol Bay my entire life.
2. I am the President of the Board of Directors for the United Tribes of Bristol Bay (“UTBB”). I have served in this position since August 2013.

3. UTBB is a tribally chartered consortium of fifteen federally recognized Tribes in Bristol Bay. UTBB's member Tribes include Aleknagik Traditional Council, Chignik Lake Tribal Council, Clark's Point Village Council, Curyung Tribal Council, Ekuk Village Council, Levelock Village Council, Manokotak Village Council, New Koliganek Village Council, New Stuyahok Traditional Council, Nondalton Village Council, Pedro Bay Village Council, Pilot Point Tribal Council, Portage Creek Village Council, Togiak Traditional Council, and Twin Hills Village Council.

4. UTBB's mission is to protect the traditional Yup'ik, Dena'ina, and Alutiiq ways of life in Bristol Bay and the natural resources that sustain those ways of life. Our work is guided by the Bristol Bay Regional Visioning Project ("Visioning Project"). The Visioning Project was a multi-year, region-wide effort to create a mission or vision statement on what the people of Bristol Bay wanted to see for the future of our region. The final results of the Visioning Project included calling for improving sustainable economic development opportunities in the region, preserving cultural and subsistence resources, and increasing educational opportunities for youth.

5. Each member Tribe passed a resolution delegating limited governmental powers to UTBB to implement the Visioning Project. In creating UTBB, member Tribes sought to create a unified entity in which they could exercise collective government action. When UTBB conducts a government-to-government consultation with a federal agency, hosts community workshops and town halls, or submits written comments on a proposed federal agency action, it is speaking with the voices of its member Tribal governments.

This unified and centralized voice allows UTBB's member Tribes to more fully exercise their inherent sovereign authority.

6. For many years, the proposed Pebble mine has been a major concern of UTBB's member Tribes. Tribal members from UTBB's member Tribes are active in both the commercial and subsistence fisheries in Bristol Bay. Many depend upon the fishery for their livelihoods. UTBB and its member Tribes have participated extensively in the process related to the Environmental Protection Agency's ("EPA") final determination to prohibit and restrict the use of the Pebble deposit area as a disposal site for dredged or fill material.

7. In 2010, six federally recognized Tribes—Nondalton Tribal Council, Koliganik Village Council, New Stuyahok Traditional Council, Ekwok Village Council, Curyung Tribal Council, and Levelock Village Council—petitioned the EPA to initiate the process under section 404(c) of the Clean Water Act to protect waters, wetlands, fish, wildlife, fisheries, subsistence, and public uses in the Kvichak and Nushagak watersheds from potential mining, including potential mining at the Pebble deposit. All six Tribes later founded UTBB.

8. UTBB and its member Tribes have engaged with the EPA on a government-to-government basis throughout the processes related to the 2013 Bristol Bay Watershed Assessment, the 2014 Proposed Determination, the 2019 withdraw of the Proposed Determination, and the 2023 Final Determination. Shortly after the member Tribes created UTBB in April 2013, UTBB consulted with the EPA for the first time on August 23, 2013. Throughout the development and publication of the Final Determination, UTBB engaged

with the EPA on a government-to-government basis, including a consultations surrounding the 2013 Bristol Bay Watershed Assessment, the 2014 Proposed Determination, the 2019 withdraw of the Proposed Determination, and the 2023 Final Determination. UTBB also held numerous government-to-government consultations with the U.S. Army Corps of Engineers during its environmental impact statement process for the Pebble mine from 2018-2020.

9. In addition to engaging with the EPA on a government-to-government basis on issues related to the Final Determination, UTBB also submitted comments during multiple public comment periods. On September 19, 2014, UTBB submitted comments on the EPA's Proposed Determination. On October 17, 2017, UTBB submitted comments on the EPA's proposal to withdraw the Proposed Determination. Finally, on September 6, 2022, UTBB submitted comments on the EPA's Revised Proposed Determination.

10. Throughout the process related to the EPA's Final Determination, UTBB and its member Tribes maintained the position that the Pebble mine would result in unacceptable adverse effects on the waters, fisheries, wildlife, and indigenous peoples of Bristol Bay.

11. The traditional Yup'ik, Dena'ina, and Alutiiq ways of life in Bristol Bay depend on the harvest of our watershed's renewable resources, most notably wild salmon. Development of the Pebble mine would change the pristine natural environment of the Bristol Bay watershed and adversely affect our traditional ways of life.

12. Individuals practicing a traditional, subsistence-based way of life in Bristol

Bay, including individuals enrolled in UTBB's member Tribes, are heavily dependent on traditional subsistence foods, particularly salmon. Development of the Pebble mine would adversely affect the quantity and quality of salmon in Bristol Bay and in turn adversely affect our ability to satisfy our nutritional needs with traditional subsistence foods. Contamination, or even perceived contamination, of traditional subsistence foods resulting from development of the Pebble mine would further erode our ability to practice traditional subsistence-based ways of life and meet our most basic nutritional needs with traditional subsistence foods. Diets and lifestyles would shift from highly-nutritious traditional subsistence foods to increased dependence on processed store-bought food, giving rise to concerns about long-term health impacts and cultural degradation.

13. Salmon serves an important cultural and spiritual role for the people of Bristol Bay and UTBB's member Tribes. Salmon is more than food for us. Catching, preserving, and eating salmon are part of a genuine and treasured way of life. Extending from time immemorial to the present, salmon and our subsistence practices have shaped our values and identity. Today, we continue to engage in subsistence practices just as our ancestors did. Adverse effects on salmon in Bristol Bay resulting from the Pebble mine would inhibit our ability to continue our subsistence and spiritual practices and threaten the vitality of our indigenous ways of life.

14. Traditional subsistence practices provide a vital mechanism for transmitting traditional knowledge and cultural values to our youth. While teaching children how to properly catch, clean, and process fish, we are able to also teach the values that have guided

our people for generations on how to interact with the environment, each other, and our communities. Development of the Pebble mine would adversely impact salmon and subsistence practices in Bristol Bay, weakening the transmission of traditional knowledge and cultural values and threatening the future of our traditional ways of life.

15. Sharing is a fundamental part of traditional subsistence-based ways of life in Bristol Bay and our well-being is highly dependent on sharing. Our cultures center on the well-being of our community as a whole. Sharing is integral to this because it is the fabric of our social and spiritual beliefs and practices. Development of the Pebble mine would hinder our ability to engage in subsistence practices and harvest salmon in Bristol Bay, which would adversely affect our sharing practices and degrade our social systems.

16. The Pebble mine represents an existential threat to our traditional ways of life. Living with this threat has been an immense source of stress and anxiety for the people of Bristol Bay. Though the fight to protect our way of life has led to a resurgence of self-determination in the region, it has also consumed much of our time and resources that could have contributed to our communities in other ways.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of May, 2024 in Dillingham, Alaska.



Robert Heyano